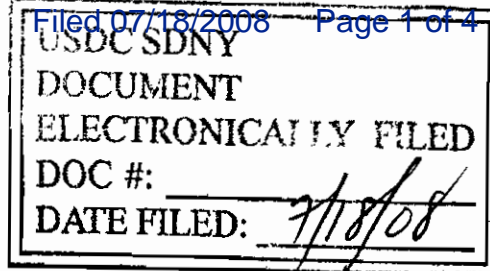


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
GEMINI II LTD.,

08 CV 6334 (LAP)

Plaintiff,

ORDER

v.

DEREKTOR SHIPYARDS CONN., LLC,

Defendant.
-----X

LORETTA A. PRESKA, United States District Judge:

The Court has reviewed Mr. Forsberg's letter of July 18, 2008 and is somewhat puzzled by the information "that Derektor no longer endorses the schedules [agreed to by counsel] and wants a complete standstill of legal proceedings," "insists that an evidentiary hearing is necessary, but is unwilling to stipulate to extend the TRO expiration." Derektor's apparent request for an evidentiary hearing is granted, and that hearing shall commence on August 4, 2008 at 10:00 a.m. in courtroom 12A at 500 Pearl Street, New York, New York.

Pursuant to the agreement of counsel, which agreement Derektor has apparently withdrawn, the depositions of Paul Derektor and John Gallagher shall proceed on July 28, subject to an additional deposition or substituted depositions depending upon the content of the Derektor opposition papers. Notice of any additional or substituted depositions shall be given by midday on July 25. Defendant Derektor has scheduled two depositions on July 29 and shall notice the names of the deponents by 6 p.m. July 18,

2008. The depositions may be cancelled by the parties if the parties consider this appropriate after reviewing the submissions.

With respect to the briefing on the preliminary injunction, Derecktor's opposition papers are due by 12:00 p.m. on July 24, and Gemini's reply papers are due by 12:00 p.m. on July 31. Two copies of all papers shall be hand delivered to Chambers (call from the security desk, and Chambers staff will come downstairs to receive papers) at or about the same time as service.

In order to accommodate Derecktor's apparent request for an evidentiary hearing and to permit the parties time to complete discovery, the TRO is extended for good cause to August 4, 2008.

SO ORDERED:

Dated: July 18, 2008


LORETTA A. PRESKA, U.S.D.J.

geminiorder718

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July 18, 2008

VIA FACSIMILE

Honorable Loretta A. Preska
United States District Judge
United States District Court, Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Gemini II Ltd. v. Derecktor Shipyards Conn.
Case No. 08 Civ. 6334 (LAP)

Dear Judge Preska:

I am writing to apprise you of the parties' efforts to agree on a proposed schedule for expedited discovery, briefing and a hearing on Gemini's application for a temporary injunction.

The proposed schedules set forth below represent the schedules counsel discussed and agreed to this morning. Subsequently, Derecktor's counsel advised that Derecktor no longer endorses the schedules and wants a complete standstill of legal proceedings. Gemini does not agree to such a standstill and submits this letter in accordance with the Court's instructions during yesterday's conference.

The proposed schedule will depend on the possibility of extending the TRO, which is currently set to expire on July 25. The Court may extend the expiration date to August 4 for good cause. Fed. R. Civ. P. 65(b)(2). The parties prepared schedules this morning that assume the TRO expires on July 25 and, alternatively, on August 4. Derecktor insists that an evidentiary hearing is necessary, but is unwilling to stipulate to extend the TRO expiration.

July 25 TRO Expiration Schedule

If the TRO expires on July 25, the parties had agreed to propose:

Derecktor opposition papers due at 9 a.m. July 22, 2008
Gemini reply papers due at 9 a.m. July 24, 2008
Argument on July 24, 2008.

Atlanta • Bethesda • Boston • Chicago • Fort Lauderdale • Jacksonville • Los Angeles
Miami • New York • Northern Virginia • Orlando • Portland • San Francisco
Tallahassee • Tampa • Washington, D.C. • West Palm Beach
Beijing • Caracas • Mexico City • Tel Aviv • *Representative Office

Jul-18-08 02:24pm From: HOLLAND AND KNIGHT
Honorable Loretta A. Preska, USDI
July 18, 2008
Page 2

August 4 TRO Expiration Schedule

If the TRO expires on August 4, 2008, the parties had agreed to propose:

Derecktor opposition papers due at 12 p.m. July 24
Gemini reply papers due at 12 p.m. July 31
Hearing or Argument on August 4.

Expedited Discovery

The parties also agreed that document discovery be completed by Monday, July 21, 2008. The parties have agreed to the terms of a confidentiality agreement which was to be circulated by Derecktor by 12 p.m. today and executed by both parties. We expected to submit that order to the Court for its consideration and endorsement by 2 p.m. today, but Derecktor has not cooperated following this morning's call.

With respect to depositions, if the July 25 schedule is adopted, there will be no additional depositions by Derecktor. Gemini may schedule at least one expedited deposition of Derecktor witnesses or personnel on the morning of July 23, 2008 with notice to be given by 2 p.m. on July 22.

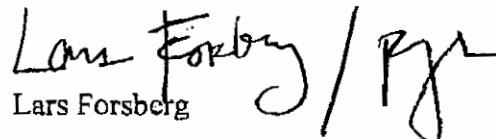
If the August 4 schedule is adopted, the parties have scheduled the depositions of Paul Derecktor and John Gallagher for July 28, subject to an additional deposition or substituted depositions depending upon the content of the Derecktor opposition papers. Notice of any additional or substituted depositions shall be given by midday on July 25. Defendant Derecktor has scheduled two depositions on July 29 and shall notice the names of the deponents by 6 p.m. July 18, 2008. The depositions may be cancelled by the parties if the parties consider this appropriate after reviewing the submissions.

All notices and service of papers shall be by email with paper copies to be served by overnight courier.

Intervention

The parties are discussing the appropriateness of intervention and will advise the Court promptly of the outcome of those discussions.

Respectfully submitted,


Lars Forsberg

cc: David McMahon, Esq. (via electronic mail)

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